



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: Carol F. Clarke, Chair
Virginia Real Estate Board

Christine Martine, Executive Director
Virginia Real Estate Board

Mark Courtney, Deputy for Licensing and Regulation
Virginia Department of Professional and Occupational Regulation

From: Steven P. Jack
Assistant Attorney General

Date: October 16, 2008

Subject: Memorandum of Authority for Proposed Adoption of Public Participation Guidelines, 18 VAC 135-10 *et seq.*

I reviewed the proposed Public Participation Guidelines, 18 VAC 135-10-10 *et seq.*, by the Virginia Real Estate Board (hereinafter "Board"). In my view, as counsel to the Virginia Department of Professional and Occupational Regulation, the Board may promulgate these regulations, pursuant to §§ 2.2-4007.02 and 54.1-201, and 54.1-2105 of the *Code of Virginia*. The proposed regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law.

Adoption of the above Regulations is exempt from the provisions of the Virginia Administrative Process Act, §§ 2.2-4000, *et seq.* of the Code of Virginia, pursuant to Chapter 321 of the 2008 Virginia Acts of Assembly [HB 1167].

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed as a comment for or against the merits of the proposed regulations.